

RESOLUTION NO. 2005-98

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE EMPLOYMENT CONTRACT FOR
CITY ATTORNEY, D. STEPHEN SCHWABAUER

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby amends Section 14, "Severance Pay," of the employment contract for City Attorney, D. Stephen Schwabauer, as follows and indicated in bold underline:

14. SEVERANCE PAY:

In the event Employee is terminated by the City Council within the first six (6) months of his employment under this Agreement and Employee remains willing and able to perform the functions and duties of City Attorney, City agrees to pay to Employee a lump sum cash payment equal to three (3) months salary. In the event Employee is terminated by the City Council after the first twelve (12) months of his employment under this Agreement and Employee remains willing and able to perform the functions and duties of City Attorney, City agrees to pay to Employee a lump sum cash payment equal to six (6) months salary **and to continue to pay Employee's health insurance benefits upon the same terms set forth in paragraph 11(a) of this agreement for six (6) months from Employee's date of termination.** In all cases such payments shall be subject to all rules and regulations governing withholding. However, notwithstanding the above, if Employee is terminated due to retirement, insubordination, incapacity, dereliction of duty, conviction of a crime involving acts of moral turpitude or involving personal gain to him, or a breach of this Agreement, City shall have no obligation to pay any severance provided in this section.

Dated: May 16, 2005

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I hereby certify that Resolution No. 2005-98 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Hansen, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

2005-98